## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES   |                       |                              |  |  |
|--|-----------------------|------------------------------|--|--|
| In re the Application of   |                       |                              |  |  |
| Lean et al.  | Art Unit:             | 3653                         |  |  |
| Application No.: 10/612,122  | Examiner:             | Hageman                      |  |  |
| Filed: July 2, 2003  | Docket No.            | : A3107-US-NP<br>XERZ 200594 |  |  |
| For: SYSTEM FOR TRANSPORTING AND SELECTIVELY SORTING PARTICLES AND METHOD OF USING THE SAME                      |                       |                              |  |  |
| MAIL STOP Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 TRANSMITTAL OF |                       |                              |  |  |
| APPEAL BRIEF UNDER 3   | 7 C.F.R. § 41.37      |                              |  |  |
| Dear Sir:  |                       |                              |  |  |
| Applicant transmits herewith one (1)   | originally signed cop | y of APPEAL BRIE             |  |  |

Applicant transmits herewith one (1) originally signed copy of APPEAL BRIEF UNDER 37 C.F.R. § 41.37 for the above-reference patent application.

Payment in the amount of \$500.00 for the filing of this Appeal Brief is authorized to be charged to Deposit Account No. 24-0037.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

Mark ∉. Bandy, Reg. No. 35,788 1100 Superior Avenue, Seventh Floor

Cleveland, Ohio 44114-2579

(216) 861-5582

|   | Certificate of Mailing or Transmission  I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are being  |                                |  |
|---|--|--------------------------------|--|
|   |  |                                |  |
|   | deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stor<br>Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date<br>indicated below. |                                |  |
| D | transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.   |                                |  |
| E | express Mail Label No.:  | Signature: Mary ann Terneavari |  |
|   | Date: Dec. 19, 2006  | Name: Mary Ann Temesvari       |  |

N:\XERZ\200594\MAT0004108V001.doc